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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,632	03/28/2001	Kenji Morita	041465-5102	1731

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EXAMINER

EDWARDS, PATRICK L

ART UNIT PAPER NUMBER

2621

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/818,632

Applicant(s)

MORITA ET AL.

Examiner

Patrick L Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: it is replete with spelling and grammatical errors.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Okunoki et al. (USPN 5,808,682).

With regard to claim 1, which is representative of claim 5, Chida discloses an image information storing device for storing a plurality of static image information and a plurality of moving image information (col 7 line 15 – col 8 line 24). The combination of the frame buffers 165 and 166 disclosed in Okunoki is analogous to image information storing device as recited in the claim in that the frame buffer 165 contains moving image information and the frame buffer 166 contains static image information. The moving picture data disclosed in Okunoki is analogous to the moving image information recited in the

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claim. The background picture disclosed in Okunoki is analogous to the static image information recited in the claim.

Okunoki further discloses that the moving picture data comprises frames of data (col 7 lines 15-23), which are analogous to the element static image information (or the static image data which form a moving image) as recited in the claim.

Okunoki further discloses that each of the element static image information is smaller than the static image information (Figure 8a). The foreground picture 31 disclosed in Okunoki is the moving image information and the background picture 30 is the static image information. Figure 8a of Okunoki clearly shows the moving image information to be smaller than the static background information.

Okunoki further discloses an image processing device for reading the static image information and the moving image information from the image information storing device to perform image processing and generate processing information to be displayed (col 8 lines 6-54 in conjunction with Figure 7).

With regard to claim 2, which is representative of claim 6, Okunoki further discloses enlarging the element static image information (col 9 lines 36-40).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Okada (5,729,295). The arguments as to the relevance of Okunoki as applied in paragraph 3 above are incorporated herein.

With regard to claim 3, which is representative of claim 7, Okunoki further discloses enlarging the moving image information without enlarging the static information (Okunoki col 9 lines 15-30), but does not expressly disclose a device for determining whether the static image information is being read or the moving image information is being read. Okada, however, discloses a device for determining whether or not the image information being read is static or moving (Okada col 3 lines 12-19). The background area disclosed in Okada is analogous to the static image information as recited in the claim.

It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by including a determining device that determines whether or not the image information being read is static image information or moving image information as taught by Okada. Such a modification would have allowed for a system that could differentiate between the two types of image information and avoid any misprocessing of the image information.

6. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okunoki as applied to claims 1 and 5 above, and further in view of Takeuchi (USPN 5,990,860). The arguments as to the relevance of Okunoki as applied in paragraph 3 above are incorporated herein.

With regard to claim 4, which is representative of claim 8, Okunoki fails to expressly disclose that the static image corresponding to the static image information is a static image used for selecting functions in an image processing apparatus. Takeuchi, however, discloses an image processing apparatus in which still images are used for selecting different functions (Takeuchi col 11 lines 33-39). It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by including the use of the static image information to select image

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processing functions as taught by Takeuchi. Such a modification would have allowed for an interactive multimedia system in which a still image displayed on a monitor could be used to select image processing functions. This would have increased user operability of the system.

With regard to second limitation of the claim, Takeuchi further recites that the moving image corresponding to the moving image information is displayed while one static image corresponding to one static image information is being changed to another static image corresponding to another static image information (Takeuchi col 13 line 58 – col 14 line 15 in conjunction with Figure 10). The left side window shown in Figures 10a-b shows one static image corresponding to one static image information being changed to another static image corresponding to another static image information. It would have been obvious to one reasonably skilled in the art at the time of the invention to modify Okunoki's image processing apparatus by including the simultaneous display of the moving image information and the changing of the static image information. Such a modification would have allowed for a more interactive system in which moving pictures could be displayed while static images changed according to static image information.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hiroi (USPN 6,204,887).

Chee et al. (USPN 5,877,741).

Munson (USPN 5,519,436).

Chida (6,313,863).

Cho et al. (5,247,353).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L Edwards whose telephone number is (703) 305-6301. The examiner can normally be reached on 8:30am - 5:00pm M-F.

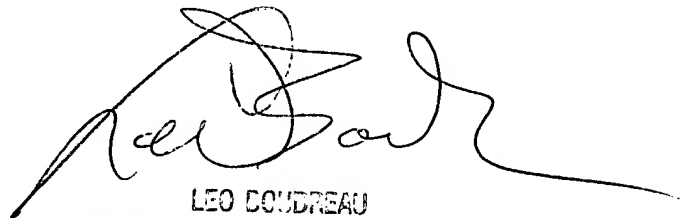
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patrick Lynn Edwards

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